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By: **Senator Miller**  
Introduced and read first time: January 31, 2003  
Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 24, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Correctional Services - ~~Concurrent~~ Consecutive Sentences - Offenders on**  
3 **Parole**

4 FOR the purpose of requiring a new sentence ~~to run concurrent with the time served~~  
5 ~~on the original term when an individual is convicted of a crime committed while~~  
6 ~~on parole; repealing the requirement that a new sentence run consecutive to the~~  
7 ~~time served on the original term when an individual is convicted of a crime~~  
8 ~~committed while on parole; requiring a sentence for a revocation of parole to~~  
9 ~~begin on the expiration of a certain consecutive term of confinement if parole is~~  
10 ~~not revoked when a court imposes a certain sentence; prohibiting a certain~~  
11 ~~defendant from receiving certain credit for time served under certain~~  
12 ~~circumstances for a crime committed while on parole that runs consecutive to~~  
13 ~~the original term, to be in accordance with certain provisions of law that require~~  
14 ~~the consecutive sentence to begin on the expiration of the original term of~~  
15 ~~confinement if parole is revoked at the time of sentencing or to begin on the date~~  
16 ~~that the consecutive sentence was imposed if parole is not revoked; providing for~~  
17 ~~the application of this Act; and generally relating to criminal sentences and the~~  
18 ~~revocation of parole under certain circumstances.~~

19 ~~BY repealing and reenacting, without amendments,~~  
20 ~~Article - Correctional Services~~  
21 ~~Section 7-502(b)~~  
22 ~~Annotated Code of Maryland~~  
23 ~~(1999 Volume and 2002 Supplement)~~

24 BY repealing and reenacting, with amendments,  
25 Article - Correctional Services

1 Section 7-403 ~~and 9-202~~  
 2 Annotated Code of Maryland  
 3 (1999 Volume and 2002 Supplement)

4 BY repealing and reenacting, without amendments,

5 Article - Correctional Services  
 6 Section 9-202  
 7 Annotated Code of Maryland  
 8 (1999 Volume and 2002 Supplement)

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Correctional Services**

12 7-403.

13 (a) If a parolee is convicted of a crime committed while on parole and is  
 14 sentenced to an additional term of imprisonment in any correctional facility in this  
 15 State, the new sentence shall run ~~{consecutive to} CONCURRENT WITH~~ the time to be  
 16 served on the original term AS PROVIDED IN § 9-202 OF THIS ARTICLE unless the judge  
 17 imposing the new sentence expressly orders otherwise.

18 (b) If a parolee is convicted in another state of a crime committed while on  
 19 parole and is sentenced to serve a term of imprisonment in a correctional facility in  
 20 the other state, the Commission shall file with the managing official of the  
 21 correctional facility in the other state a declaration of violation of parole to serve as a  
 22 detainer on the parolee's release from the correctional facility.

23 ~~7-502.~~

24 ~~(b) An individual on mandatory supervision is subject to:~~

25 ~~(1) all laws, rules, regulations, and conditions that apply to parolees; and~~

26 ~~(2) any special conditions established by a commissioner.~~

27 9-202.

28 (a) (1) In this section the following words have the meanings indicated.

29 (2) "Division custody" means confinement resulting from a sentence to  
 30 the jurisdiction of the Division of Correction.

31 (3) (i) "Non-Division custody" means any post-sentencing criminal  
 32 confinement other than Division custody.

33 (ii) "Non-Division custody" includes confinement resulting from a  
 34 sentence to:

- 1                                   1.       a local correctional facility; or
- 2                                   2.       a correctional facility in a foreign jurisdiction.

3       (b)     (1)     A sentence to a term of Division custody that is imposed consecutive  
4 to a term of Non-Division custody shall begin when the individual is released from  
5 Non-Division custody due to the expiration of a sentence, parole, or the application of  
6 diminution credits.

7                                   (2)     A sentence to a term of Non-Division custody that is imposed  
8 consecutive to a term of Division custody shall begin when the individual is released  
9 from Division custody due to the expiration of a sentence, parole, or the application of  
10 diminution credits.

11     (c)     ~~(1)~~     A sentence imposed consecutive to a term of confinement for which  
12 the defendant is on parole shall begin:

13                                 ~~{(1)}~~   ~~(1)~~     if, at the time of sentencing, parole is revoked, on expiration of  
14 the original term of confinement; or

15                                 ~~{(2)}~~   ~~(2)~~     if parole is not revoked, on the date that the consecutive  
16 sentence was imposed.

17                                 ~~(2)     IF PAROLE IS NOT REVOKED WHEN A COURT IMPOSES A SENTENCE~~  
18 ~~IMPOSED CONSECUTIVE TO A TERM OF CONFINEMENT FOR WHICH THE DEFENDANT~~  
19 ~~IS ON PAROLE BUT PAROLE IS SUBSEQUENTLY REVOKED:~~

20                                 ~~(1)     THE SENTENCE FOR THE REVOCATION SHALL BEGIN ON~~  
21 ~~EXPIRATION OF THE CONSECUTIVE TERM OF CONFINEMENT IMPOSED BY THE~~  
22 ~~COURT; AND~~

23                                 ~~(2)     THE DEFENDANT MAY NOT RECEIVE ANY CREDIT FOR TIME~~  
24 ~~SERVED ON THE CONSECUTIVE SENTENCE TOWARDS THE SENTENCE FOR THE~~  
25 ~~REVOCATION.~~

26     (d)     An inmate under a sentence to a term of Division custody that is  
27 concurrent or partially concurrent to a term of Non-Division custody shall be subject  
28 to Division custody immediately on release from Non-Division custody due to the  
29 expiration of a sentence, parole, or the application of diminution credits.

30     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
31 construed to apply only prospectively and may not be applied or interpreted to have  
32 any effect on or application to a crime committed while on parole ~~or mandatory~~  
33 ~~supervision~~ before the effective date of this Act.

34     SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
35 October 1, 2003.

